

Message Text

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ACTION ACDA-10

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 AF-08 ARA-06 CIAE-00

DODE-00 PM-04 H-02 INR-07 L-03 NASA-01 NEA-10 NSAE-00

NSC-05 OIC-02 SP-02 PA-01 PRS-01 OES-06 SS-15 USIA-06

SAJ-01 /123 W

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P R 302021Z JUL 76

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TO SECSTATE WASHDC PRIORITY 1580

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY THE HAGUE

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY TOKYO

USMISSION USUN NEW YORK

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ERDA HQ WASH

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E.O. 11652: N/A

TAGS: PARM, CCD, US, UR, IT

SUBJECT: CCD - ELEVENTH ENMOD WORKING GROUP MEETING JULY 30, 1976

REF: GENEVA 6119

1. SUMMARY: US AND SOVIET CO-SPONSORS OF ENMOD DRAFT
CONVENTION AGREED TO MOVE PRESENT ARTICLE II ILLUSTRATIVE
LIST TO AN ANNEX. ITALY TABLED REVISED ARTICLE III
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INTER ALIA REQUIRING PARTIES TO ENSURE THAT PEACEFUL USES

OF ENMOD DO NOT DAMAGE ENVIRONMENT OF THEIR STATES..
MONGOLIA TABLED COUNTER-PROPOSAL TO YUGOSLAV DRAFT
REVCON ARTICLE WHICH WOULD REQUIRE APPROVAL OF
MAJORITY OF PARTIES TO HOLD ANY REVCON, INCLUDING THE
FIRST. MONGOLIAN PROPOSAL DREW HEAVY FIRE, AND
PRIVATE CONSULTATIONS AMONG CONCERNED DELS TO RESOLVE
DIFFERENCES WERE AGREED TO. END SUMMARY.

2. DURING ELEVENTH ENMOD WORKING GROUP MEETING
JULY 30, ACTING US REP (BLACK) DECLARED US WILLINGNESS,
IN RESPONSE TO SUGGESTION OF NUMBER OF DELS, TO TRANSFER
PRESENT LIST OF ILLUSTRATIVE EXAMPLES IN ARTICLE II TO
AN ANNEX. BLACK ALSO TOOK OCCASION OF GROUP'S CON-
SIDERATION OF ARTICLE II TO REQUEST CORRECTION OF WORK-
ING TEXT BY CAPITALIZING FIRST LETTER OF "EARTH" IN
PHRASE "DYNAMICS, COMPOSITION OR STRUCTURE OF THE
EARTH...". HE EXPLAINED INTENTION IN THE PHRASE WAS SO
REFER TO THE PLANET AS A WHOLE AND NOT JUST TO SOIL AND
ROCK. USSR REP (LIKHACHEV) STATED SOVIET AGREEMENT TO
ABOVE REVISIONS. CANADIAN ACTING REP (SIMARD) ASKED
WHETHER LANGUAGE WOULD BE INSERTED IN ANNEX TO MAKE
ILLUSTRATIVE CHARACTER OF THE LIST IMMEDIATELY APPARENT;
BLACK REPLIED THAT AN INTRODUCTORY PHRASE AT THE BEGIN-
ING OF THE ANNEX SHOULD ACCOMPLISH THIS. NETHERLANDS
REP (VAN DER KLAUW) AND IRANIAN REP (AMERI) EXPRESSED
APPRECIATION TO THE CO-SPONSORS FOR AGREEING TO MOVE
THE LIST TO AN ANNEX.

3. ITALIAN REP (DI BERNARDO) TABLED PROPOSED REVISION
TO ARTICLE III (TEXT BELOW), EXPANDING PRESENT FORMU-
LATION BY ADDING PARAGRAPHS REQUIRING PARTIES TO ENSURE
THAT PEACEFUL ACTIVITIES DO NO CAUSE DAMAGE TO THE
ENVIRONMENT OF OTHER STATES, AND TO EXCHANGE INFORMA-
TION ON CONDUCT AND RESULTS OF PEACEFUL ENMOD ACTIVITIES.
DI BERNARDO EXPLAINED THAT ITALY'S MOTIVATION IN TABLING
PROPOSAL PARALLELED ITS EARLIER EXPRESSIONS OF CONCERN
ON THE NEED FOR SAFEGUARDS REGARDING DAMAGE. MEXICO,
NIGERIA, YUGOSLAVIA, ROMANIA, EGYPT, AND ARGENTINA
STATED SUPPORT, EITHER EXPLICITLY OR IN PRINCIPLE, TO
ITALIAN DRAFT; IN ADDITION, THE FIRST FIVE AGAIN CALLED
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FOR PROVISION ON INTERNATIONAL COOPERATIVE MEASURES AND
TRANSFER OF TECHNOLOGY, SIMILAR TO THAT OF ARTICLE X
OF THE BWC. UK REP (ALLEN) TOOK NEUTRAL LINE.
NETHERLANDS AND BRAZIL (MASTROGIOVANNI) CRITICIZED
PROPOSAL AS BROADENING SCOPE OF CONVENTION'S RESTRAINTS ON
MILITARY ENMOD USE. EGYPTIAN REP (EL IBRAHI) ALSO RAISED
QUESTION OF (CIVIL) LIABILITY UNDER INTERNATIONAL LAW, ARGUING
FOR "OBJECTIVE LIABILITY" (BASED ON DAMAGE DONE AND NOT

REQUIRING PGOOF OF FAULT); HE STATED THAT EGYPT MIGHT
PROPOSE SPECIFIC LANGUAGE TO THIS EFFECT IN A SUB-
SEQUENT MEETING.

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INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 AF-08 ARA-06 CIAE-00

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4. NEW MONGOLIAN REP (JARGALSAIKHAN) TABLED REVCON PROPOSAL
(TEXT BELOW) PROVIDING FOR NON-MANDATORY INITIAL
CONFERENCE, TO BE HELD ONLY AT REQUEST OF A MAJORITY
OF PARTIES WITH MINIMUM FIVE-YEAR INTERVAL BETWEEN
SUCCESSIVE REFCONS (EACH REQUIRING MAJORITY AGREEMENT)
AND THE DEPOSITARY INITIATING CONSULTATIONS WITH

PARTIES AFTER A TEN-YEAR INTERVAL DURING WHICH NO
REVCON HAD BEEN HELD. ONLY BULGARIA SPOKE IN FAVOR
OF THE MONGOLIAN PROPOSAL. ARGENTINA, BRAZIL,
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YUGOSLAVIA, SWEDEN, NETHERLANDS, ITALY, BURMA,
MOROCCO, AND ROMANIA ALL CRITICIZED IT, EMPHASIZING
NEED FOR A MANDATORY INITIAL REVCON; SEVERAL ALSO
CRITICIZED LACK OF GUARANTEE OF SUBSEQUENT
REVCON EVEN AFTER A TEN-YEAR INTERVAL. SWEDEN,
NETHERLANDS, AND ITALY SPECIFICALLY REAFFIRMED SUPPORT
FOR THE YUGOSLAV REVCON PROPOSAL (TEXT PARA 4 REFTEL).
NETHERLANDS AND IRANIAN REPS SUGGESTED PRIVATE CONSUL-
TATIONS AMONG DELS MOST CONCERNED. YUGOSLAV REP
(MIHAJLOVIC) ASSENTED. JAPANESE REP(OGISO) STATED
PREFERENCE FOR AUTOMATIC FIRST REVCON BUT SUGGESTED
POSSIBILITY OF INSERTING THE PHRASE " UNLESS A MAJORITY
OF PARTIES OBJECT" AT THE BEGINNING OF THE MONGOLIAN
TEXT. HE ASKED THAT THIS BE CONSIDERED DURING THE
PRIVATE CONSULTATIONS. (COMMENT: DEL PLANS TO COMMU-
NICATE TO CONTACT GROUP OUR INSTISTENCE ON FIVE-YEAR
PERIOD BEFORE INITIAL REVCON AND REQUIREMENT OF
MAJORITY REQUEST FOR ANY SUBSEQUENT CONFERENCE, PREFERABLY
AT NO LESS THAN FIVE-YEAR INTERVALS.)

5. WORKING GROUP AGREED THAT REVCON ARTICLE WOULD
FOLLOW ARTICLE VII IN PRESENT DRAFT AND BE REFERRED TO AS
VII (BIS) AT THIS STAGE.

6. NEXT MEETING OF ENMOD WORKING GROUP SCHEDULED FOR
MONDAY AUGUST 2, 1976.

7. ITALIAN ARTICLE III PROPOSAL FOLLOWS.
BEGIN TEXT.

THE PROVISIONS OF THIS CONVENTION DO NOT APPLY TO THE
USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES FOR PEACEFUL
PURPOSES BY STATES PARTY, OR INTERNATIONAL ECONOMIC AND
SCIENTIFIC COOPERATION IN THE UTILIZATION, PRESERVATION
AND IMPROVEMENT OF THE ENVIRONMENT FOR PEACEFUL PURPOSES.

THE STATES PARTY TO THIS CONVENTION WILL ENSURE
THAT ACTIVITIES CARRIED OUT FOR THE PURPOSES REFERRED TO
IN THE PREVIOUS PARAGRAPH DO NOT CAUSE DAMAGE TO THE
ENVIRONMENT OF OTHER STATES OR OF AREAS BEYOND THE LIMITS
OF THEIR NATIONAL JURISDICTION.

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IN ORDER TO PROVIDE MUTUAL ASSURANCES OF COMPLIANCE WITH THE PROVISIONS OF THE PRESENT ARTICLE, THE STATES PARTY TO THE CONVENTION WILL EXCHANGE INFORMATION ON THE ACTIVITIES REFERRED TO ABOVE AND WILL NOTIFY THE RESULTS ACHIEVED THEREBY.

END TEXT

8. MONGOLIAN REVIEW CONFERENCE PROPOSAL FOLLOWS.

BEGIN TEXT:

I. FIVE YEARS AFTER THE ENTRY INTO FORCE OF THIS CONVENTION, A CONFERENCE OF THE STATES PARTY TO THE CONVENTION SHALL BE CONVENED IN ORDER TO REVIEW THE OPERATION OF THE CONVENTION WITH A VIEW TO ASSURING THAT ITS PURPOSES AND PROVISIONS ARE BEING IMPLEMENTED, IF A MAJORITY OF PARTIES TO THE CONVENTION FAVOURABLY RESPONDS TO A REQUEST TO CONVENE SUCH A CONFERENCE SUBMITTED BY ANY PARTY OR PARTIES TO THE DEPOSITARY OF THIS CONVENTION.

THE DEPOSITARY SHALL INFORM PARTIES TO THE CONVENTION ABOUT THE RESULTS OF HIS CONSULTATIONS WITH THE PARTIES ON THIS MATTER WITHIN TWO MONTHS AFTER THE RECEIPT OF SUCH A REQUEST.

2. THEREAFTER CONFERENCES WITH THE SAME OBJECTIVE OF REVIEWING THE OPERATION OF THE CONVENTION MAY BE CONVENED IN THE MANNER AS INDICATED IN PARAGRAPH I WITH INTERVALS OF NOT LESS THAN FIVE YEARS.

3. IF NO REQUEST HAS BEEN SUBMITTED WITHIN TEN YEARS AFTER A PREVIOUS CONFERENCE THE DEPOSITARY MAY INITIATE CONSULTATIONS WITH THE PARTIES ON POSSIBLE CONVENING OF ANOTHER CONFERENCE.

END TEXT. ABRAMS

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